

NEVADA DEPARTMENT OF CORRECTIONS	SERIES 700 INMATE REGULATIONS	SUPERSEDES: AR 740 (09/02/02)
ADMINISTRATIVE REGULATIONS MANUAL	ADMINISTRATIVE REGULATIONS 740 INMATE GRIEVANCE PROCEDURE	EFFECTIVE DATE: 01/05/04

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PURPOSE

To establish a grievance process that provides an administrative means for the expression of, and prompt and fair resolution of, inmate problems and concerns. **(3-4271)**

AUTHORITY

NRS 209.131
NRS 209.246

RESPONSIBILITY

The Assistant Director of Operations (ADO) shall have the primary responsibility for and supervision over the Inmate Grievance Procedure.

The Offender Management Administrator (OMA) shall be responsible for supervision of NCIS.

The Warden, or designated Department official at each institution, shall be responsible for ensuring that the Grievance Coordinator and assigned caseworkers and other designated staff are providing appropriate and substantial responses to inmate claims.

In the absence of the Grievance Coordinator the Warden, or designated Department official at each institution will be responsible to assign an alternate to continue to process grievances.

DEFINITIONS

ABANDONMENT – The termination of review of any addressable grievance, at any level of the Inmate Grievance Procedure, resulting from the inmate's failure to file a timely, proper or procedurally sufficient grievance.

APPOINTING AUTHORITY – Individuals to whom the Director has delegated authority to recommend and implement personnel actions. Appointing Authorities may include Assistant Directors, Medical Director, Wardens, and Correctional Programs Division Administrator.

CALENDAR DAY – Each day of a calendar year.

CONTRACT SERVICE PROVIDER – A private person or organization that agrees to furnish materials or to perform services for the Department or any of its institutions at a specified price. A contract service provider is subject to all applicable rules and regulations of the Department.

DISABILITY – A physical or mental impairment of the inmate that substantially limits one or more major life activities.

DIVISION HEAD – Division Heads include those individuals responsible for the major decisions of the Department such as Personnel, EEO, Professional Development Officer, Inmate Services, Fiscal, Inspector General's Office, Procurement, Accounting, Offender Management, Store and Medical.

EMERGENCY – Any significant disruption of normal institutional or departmental procedure caused by riot, escape, fire, natural disaster, employee action or other serious incident the resolution of which cannot be delayed without creating a breach in security or serious bodily injury or irreparable harm to any person based on medical, dental, or other appropriate life/safety issues.

EMERGENCY GRIEVANCE – A grievance that poses an immediate threat to the welfare, safety, or security of an inmate when processed through normal channels.

EXCESSIVE – More than four (4) unfounded, frivolous or vexatious grievances in a single month.

FRIVOLOUS – A grievance, which is clearly insufficient on its face, is devoid of merit, or does not provide a sufficient basis for appeal.

GRIEVANCE – A written complaint consisting of one claim, issue, circumstance or action considered by the inmate to be injurious or unjust, and which is addressable as outlined in this Regulation.

GRIEVANCE COORDINATOR – The Associate Warden of Programs at institutions, or the Managers of camps and centers, who supervises the day-to-day operations of the inmate grievance process.

HEARING OFFICER – The administrative staff member who has been delegated by the Director the responsibility for approving monetary remedies for grievances.

INSTITUTION – Any secure facility, building, camp, area, and any part therein, operated by the Department or any of its agents, and used for the custody, confinement or treatment of inmates.

NEVADA CRIMINAL INFORMATION SYSTEM (NCIS) – An integrated, micro-computer based information system used to manage the inmate population through the employment of applications related to count, supervision, sentence management, classification, casework, planning, and statistical activities.

RECORDS – Information concerning an inmate's criminal, personal and medical history, behavior and activities while under the care, confinement or custody of the Department.

REGULAR GRIEVANCE – A grievance that poses no immediate threat to the welfare, safety, or security of an inmate when processed through normal procedural channels.

SUBSTANTIAL AND APPROPRIATE RESPONSE – A written response that sets forth the factual findings, with reference to pertinent administrative regulations, institutional procedures and/or post orders, that directly address the inmate's grievance.

UNFOUNDED – A grievance that is determined to be without merit, or for which a remedy is not provided as determined by a Grievance Coordinator.

VEXATIOUS – A grievance, which is submitted to agitate, harass or irritate by petty provocations, and which is not designed to lead to any practical result.

APPLICABILITY

This regulation applies to all employees and inmates in the Department.

PROCEDURES

740.01 ADMINISTRATION OF INMATE GRIEVANCES

1.1 Each facility/institution shall establish locked boxes where all inmates have access to submit their grievances.

1.1.1 Inmates will be responsible to personally place their grievances in the locked box.

1.1.2 All grievances will be gathered daily, Monday through Friday, excluding holidays by the Grievance Coordinator/designee.

1.1.3 Keys to these boxes will be issued to the Grievance Coordinator/designee and the Warden. No other staff will have access to these locked boxes.

1.1.4 Grievances will be treat as legal correspondence. **(3-4434)**

- The caseworker will personally deliver the grievance response to the inmate unless they are named in the grievance.
- If an emergency grievance is filed other staff members may be involved in receiving the grievance and delivering the response.

1.1.5 Grievance forms will be kept in all housing units, caseworker offices, and in the law libraries.

1.2 Records

1.2.1 Grievance files shall be maintained at each institution for a minimum of five (5) years following final disposition of the grievance.

1.2.1.1 No copies of grievances shall be placed in an inmate's Institutional or Central File.

1.2.1.2 Grievance files shall be stored at the facility/institution where the grievance issue occurred.

1.2.1.3 Grievance files shall be in separate files for each inmate and maintained in alphabetical order by the inmate's last name.

1.2.2 Grievance records shall not be available to employees not involved in the grievance process.

1.2.2.1 Employees who are participating in the disposition of a grievance shall have access to records essential to the disposition of the grievance.

1.2.2.2 No inmate will have access to grievance records unless ordered by a court.

1.2.3 The Grievance Coordinator/designee shall record receipt of all grievances and all pertinent data in NCIS, based on protocols and codes established by the Offender Management Administrator (OMA) within one working day of receipt.

1.2.4 The Offender Management Administration shall:

- Supervise NCIS program content;
- Administer and implement data entry protocol; and
- Generate and develop NCIS monthly and annual reports.

1.3 Evaluation of NCIS Grievance Reports

1.3.1 Data regarding the filing and disposition of grievances shall be systematically collected, entered and stored in NCIS.

1.3.2 Annual and monthly grievance reports generated by the Offender Management Division shall be forwarded to the ADO and all Wardens for review and evaluation.

1.3.3 The ADO shall review monthly and annual NCIS Grievance Reports to evaluate the effectiveness of the Inmate Grievance Procedure.

- This evaluation shall include a review of statistical reports, supporting documentation and any other information to aid in the evaluation of the effectiveness of the Inmate Grievance Procedure.
- Particular attention shall be given to the types of grievances filed and the level at which inmate grievances are resolved.

1.3.4 A notice will be posted in conspicuous locations for staff and inmates 30 days prior to this regulation's mandatory review date.

1.3.4.1 Employees and inmates who wish to comment on the effectiveness of the inmate grievance process or any suggestions for improvement will address their written advisory comments to the ADO.

- The ADO will collect all comments and maintain them for three (3) calendar years.
- Comments will be reviewed and may be incorporated into the inmate grievance process.

1.4 Prohibition Against Retaliation

1.4.1 Inmates who participate in or utilize the Inmate Grievance Procedure shall not be harassed, punished, disciplined or subjected to retaliation for taking such action.

1.4.1.1 An inmate who believes they have been harassed, punished or disciplined for using the Inmate Grievance Procedure may file a grievance under the standard grievance procedures.

1.4.1.2 The inmate's caseworker shall investigate the claim of retaliation and confer with the Grievance Coordinator to determine the appropriate course of action.

1.4.1.3 In the event the Grievance Coordinator determines that retaliation against an inmate may have merit, the Grievance Coordinator shall report the incident to the Warden.

- If the Warden determines that the alleged retaliation has merit, the incident shall be referred to the Inspector General's office for review.
- If the Grievance Coordinator determines that the alleged retaliation is unfounded or otherwise unsupported, they may initiate appropriate measures against the inmate in accordance with 1.5.5.

1.5 Abuse of the Inmate Grievance Procedure

1.5.1 Inmates are encouraged to use the Inmate Grievance Procedure to resolve all addressable claims; however, inmates are prohibited from knowingly, willfully or maliciously filing frivolous or vexatious grievances, which are considered to be an abuse of the Inmate Grievance Procedure.

1.5.2 Inmates abuse the Inmate Grievance Procedure when they file a grievance that contains:

- Any language, writing or illustration deemed to be obscene, profane or derogatory;
- A threat of serious bodily injury to a specific individual;
- Specific claims or incidents previously filed by the same inmate; and
- More than four (4) unfounded, frivolous or vexatious grievances per month.
- Allegations proven to be false.

1.5.3 If an inmate files a grievance listed in 1.5.2 above, the inmate's assigned caseworker shall:

1.5.3.1 Return a copy of the improper grievance to the inmate and Form DOC-3098, Improper Grievance Memorandum;

1.5.3.2 Obtain the inmate's signature on the form and sign as a witness on this form.

- Original to be given to the inmate.
- Copy to be given to the Grievance Coordinator.

1.5.4 The inmate shall not be given additional time to re-submit the grievance in the proper form.

- The inmate's failure to re-submit the grievance in the proper form and within the prescribed time frame shall constitute abandonment.
- If the timeframe has been exhausted prior to the inmate receiving Form DOC-3098, the inmate has five (5) working days from the date it was received to re-submit.

1.5.5 An inmate who continues to file any of the improper grievances enumerated in Section 1.5.2 above shall be issued a conduct violation using the following procedures:

1.5.5.1 An inmate's abuse of the Inmate Grievance Procedure shall be brought to the attention of the Grievance Coordinator as soon as possible.

1.5.5.2 The Grievance Coordinator shall:

- Review all documentation supporting the alleged abuse to determine if abuse has occurred; and
- Forward a written recommendation to the Warden.

1.5.5.3 The Warden shall review and, if warranted, forward to the ADO with a recommendation that a Notice of Charges be issued.

1.5.5.4 The ADO will write a Notice of Charges on the inmate if they determine that abuse of the grievance process has occurred.

- Only the ADO may write such a Notice of Charges.
- The ADO will forward the Notice of Charges to the Warden for processing through the inmate disciplinary process.
- A conduct violation of this nature shall not constitute a form of retaliation.

1.6 Inmate Transfers

1.6.1 For an inmate who is transferred to another institution pending the resolution of a filed grievance, the Grievance Coordinator at the sending institution shall complete the investigation and provide a written response to the inmate through the Grievance Coordinator at the receiving institution.

1.6.2 If an inmate who has been transferred to another facility files a grievance over an issue at the sending institution, the receiving institution will immediately log this grievance into the NCIS grievance program.

1.6.2.1 The Grievance Coordinators of the sending and receiving facilities will coordinate the delivery of the response to the grievance.

1.6.2.2 The appropriate official at the sending institution will write the response and forward it to the receiving institution via first class mail.

1.6.2.3 The receiving institution will log this grievance response and promptly forward it to the inmate.

1.6.3 The inmate may appeal the decision by requesting a review at the next level.

1.6.3.1 The appeal request shall be submitted to the Grievance Coordinator of the receiving institution in accordance with procedures outlined in 740.01, 1.1, who will forward all documents to the Grievance Coordinator of the sending institution via first class mail.

1.6.3.2 The grievance will then be forwarded to the Warden or appropriate Administrator for response.

1.6.3.3 On a daily basis all responses will be forwarded by the Grievance Coordinator of the sending institution via first class mail to the Grievance Coordinator of the receiving institution.

- The grievance will be forwarded to the inmate following the procedures outlined in this regulation.

1.6.4 If an inmate expires their sentence or leaves the Department on parole, the grievance will be finalized on the current level.

- No further appeal may occur.
- It is the responsibility of the inmate to provide a forwarding address during the release process (**3-4393**).

1.6.5 Timeframes as noted in 740.02, 1.3 do not apply if the inmate has been transferred.

- Grievances are to be processed as soon as practicable and timeframes shall be adhered to as closely as possible.

1.7 Orientation to the Inmate Grievance Procedure

1.7.1 This Regulation shall be readily accessible to all Department employees and inmates, including individuals who are disabled, physically impaired or otherwise unable to understand and/or implement its procedures.

1.7.1.1 Inmates shall receive oral and written orientation on the Inmate Grievance System during the intake process. Additionally, institutional personnel shall provide follow-up instruction to newly assigned or transferred inmates during the reception and orientation process at the receiving institution. This orientation shall contain the following information:

- How to obtain a grievance form;
- Location where this Regulation and its corresponding Institutional Procedure may be reviewed; and
- Time and date of scheduled orientation.

1.7.1.2 Orientation of this regulation shall be made available in English and any other language determined by the Director.

1.7.1.3 Assistance shall be provided to inmates who are disabled, physically impaired or otherwise unable to understand and effectively use the procedures of this Regulation.

1.7.1.4 Opportunity for oral questions and answers shall be made available to all inmates.

1.7.1.5 At the conclusion of the intake orientation, all inmates shall sign a form acknowledging their participation in, and completion of, the orientation.

- The signed acknowledgment shall be maintained in the inmate's I-File.
- Refusal to sign will be noted.

1.7.1.6 If an inmate wishes to file a grievance prior to participation in the formal orientation, provisions shall be made for a Department employee to provide assistance so that the inmate's ability to submit a grievance is in no way hindered.

1.7.2 Employee Orientation

1.7.2.1 All newly hired caseworkers, corrections officers, or other staff who have daily contact with inmates shall be provided a copy of this Regulation prior to assuming their official duties.

1.7.2.2 Department training personnel shall instruct caseworkers and corrections officers on the objectives and procedures of the Inmate Grievance Procedure. Particular emphasis shall be placed on:

- Providing timely, substantial and appropriate responses to addressable inmate claims; and
- Strict adherence to the filing requirements and decision deadlines at each level of review.
- Confidentiality of inmate grievances.
- Professional response to inmate allegations.

740.02 INMATE GRIEVANCE PROCESS

1.1 Levels of Review

1.1.1 The Inmate Grievance Procedure shall include one (1) informal and two (2) formal levels of review. They are as follows:

1.1.1.1 Informal Review Level: (use Form DOC-3091) An inmate grievance submitted at this level after failing to resolve this matter by other means, shall be reviewed and responded to by the inmate assigned caseworker with the aid of the other unit managers, or other appropriate Department staff, medical care providers or contract service providers. The Grievance Coordinator shall approve all Informal Grievance responses.

1.1.1.2 First Level Grievance: (use DOC - 3093) An inmate grievance submitted at this level shall be reviewed and responded to by the Warden at the institution where the incident being grieved occurred, with the aid and expertise of appropriate Department supervisory staff.

1.1.1.3 Second Level Grievance: (use Form DOC - 3094) An inmate grievance submitted at this level shall be reviewed and responded to by either the Assistant Director of Operations, Assistant Director of Support Services, Offender Management Administrator, Medical Director, or Correctional Programs Administrator.

1.1.1.4 An inmate who is dissatisfied with the response to a grievance at any level may appeal the grievance to the next level, within the substantive and procedural requirements outlined herein.

- Administrators or employees of the institution shall automatically allow appeals without interference.
- Each response shall also state that the inmate is entitled to appeal, if procedurally available, and shall contain simple directions for making that appeal.

1.1.1.5 An inmate shall use Form DOC-3097, Grievant's Statement Continuation Form if unable to present the details of their claim in the space available on the above forms.

1.2 Grievance Issues

1.2.1 Inmates may use the Inmate Grievance Procedure to resolve addressable inmate claims including, but not limited to personal property, property damage, disciplinary appeals, personal injuries, any other tort claim or civil rights claim relating to conditions of institutional life.

- All allegations of inmate abuse by Department staff, employees, agents or independent contractors shall be immediately reported to the Grievance Coordinator, the Warden and the Inspector General, in accordance with investigator guidelines.

1.2.2 Only inmate claims arising out of, or relating to, issues within the authority and control of the Department may be submitted for review and resolution. Non-grievable issues include:

1.2.2.1 State and federal court decisions;

1.2.2.2 State, federal and local laws and regulations;

1.2.2.3 Parole Board decisions; and

1.2.2.4 Claims for which the inmate lacks standing, including, but not limited to:

- Filing a grievance on behalf of another inmate unless the inmate is so physically, or emotionally handicapped as to be incapable of filing a grievance.
- The inmate filing the grievance was not a direct participant in the matter being grieved.

1.2.3 All grievances submitted shall also include the remedy sought by the inmate to resolve this claim.

- Failure to submit a remedy will be considered an improper grievance and returned to the inmate using Form DOC-3098, Improper Grievance Memorandum in accordance with AR 740.01, 1.5.3.

1.2.4 Appeal of Impermissible Claims: In the event an inmate's claim is deemed inappropriate for review or not within the intended scope of this Regulation, the inmate may appeal that decision only to the next procedural level of review.

1.3 Time Limits

1.3.1 The total time allowed from initial submission of an Informal Grievance to the last level of procedural review should not exceed seventy-five (75) calendar days unless the inmate agrees in writing to the extension or the Department's respondent requires an extension due to circumstances beyond the control of either party. Form DOC-3090, Extension of Time Request, will be used for this purpose.

1.3.2 Except as required for the initial filing of an Informal Grievance, time limits shall begin to run from:

- The date an inmate receives a response for appeal; and
- The date the Department's respondent receives the appeal.

1.3.3 Except as otherwise provided herein, time limits for each level of review shall not exceed the following:

1.3.3.1 Informal Review - twenty-five (25) calendar days from the date the grievance is received by the grievance coordinator to date returned to inmate.

1.3.3.2 First Level Review - twenty-five (25) calendar days, which includes five calendar days for the inmate to appeal an informal grievance and 20 calendar days from the date received by the first level responder for a response.

1.3.3.3 Second Level Review- twenty-five (25) calendar days, which includes five calendar days for the inmate to appeal a first level grievance and 20 calendar days from the date received by the second level responder for a response.

- Transmission of appeal may result in exceeding this timeframe.

1.3.4 After receipt of a response, an inmate shall have five (5) calendar days to appeal to the next level of review. The notice of appeal shall be received and signed for by the Grievance Coordinator within five (5) calendar days of the date the decision being appealed was received by the inmate.

1.3.4.1 When a grievance appeal cannot be filed because of circumstances beyond the inmate's control, the time will begin to start from the date in which such circumstances cease to exist.

1.3.4.2 If an inmate appeals in less than five days the full 25 days applies for the response.

1.3.5 Staff shall expedite the processing of grievances at each level of review.

1.3.6 Inmates may proceed to the next level if no response is received within the applicable timeframes.

1.3.7. All grievances received will be date stamped when received at all levels.

- Each page of the multiple forms will be stamped.

1.4 Informal Grievance Procedure (Form DOC-3091).

1.4.1 Every effort shall be made to resolve an addressable inmate claim informally. Prior to any administrative involvement, an inmate shall request and obtain an Informal Grievance (Form DOC-3091) from unit staff or other designated areas such as law libraries.

1.4.1.1 The inmate shall file an informal grievance within the time frames noted below:

- If the issue involves personal property damage or loss, personal injury, medical claims or any other tort claims, including civil rights claims, within six (6) calendar months.
- If the issue involves any other issues within the authority and control of the Department including, but not limited to, classification, disciplinary, mail and correspondence, and food, within ten (10) calendar days.

1.4.1.2 Failure by the inmate to submit a proper Informal Grievance form to the Grievance Coordinator or designated employee substitute in their absence within the time frame noted above shall constitute abandonment of the inmate's right to pursue resolution of that claim at any level of the Inmate Grievance Procedure.

- When such grievances are received, they will be logged into the NCIS tracking system.
- Response will note in writing the fact that the inmate exceeded the timeframe, i.e., untimely, using Form DOC-3098. Therefore, no action will be taken on this issue as it is considered abandoned by the inmate.

1.4.1.3 When a grievance cannot be filed because of circumstances beyond the inmate's control, the time will begin to start from the date in which such circumstances cease to exist.

1.4.1.4 All informal grievances shall be logged in prior to any attempt to resolve the inmate's claim.

1.4.1.5 All documentation and factual allegations available to the inmate must be submitted at this level.

1.4.2 Upon timely receipt of an inmate's Informal Grievance Form, the Grievance Coordinator will forward it to the assigned caseworker for review and response after entering in NCIS.

1.4.2.1 If it appears that the issue raised is not grievable per AR 740.02, 1.2.1 and 1.2.2, the caseworker will forward the grievance to the Grievance Coordinator. If the Grievance Coordinator determines that the issue is not grievable, the Grievance Coordinator will return the grievance to the inmate notifying the inmate in writing using NDOC Form 3098 why the issue is not grievable.

1.4.2.2 If the issue is grievable, the caseworker shall investigate and discuss the issue with the inmate prior to responding, communicating with unit managers or Departmental personnel, medical staff or contract service providers who have knowledge or information necessary to resolve the grievance.

- The caseworker shall document the action taken to resolve the issue in the appropriate section of the Informal Grievance form.
- The caseworker shall provide the inmate a substantial and appropriate response within 25 calendar days of receipt by the grievance coordinator, unless a more thorough investigation of the matter extends the date set for response; and
- The caseworker shall obtain the Grievance Coordinator's approval that the response substantially and appropriately addresses the inmate's grievance.

1.4.2.3 When an issue goes directly to the Warden for a decision such as disciplinary appeals, visiting denials, mail censorship, the inmate shall file an Informal Grievance form for tracking purposes.

- Upon receipt the grievance will be forwarded directly to the Warden for a first level response.
- The Grievance Coordinator may provide information on the issue to

assist the first level review.

- Timeframes noted for response will apply.

1.4.2.4 All allegations of staff misconduct will be forwarded to the Office of the Inspector General for their review (see the Department's Administrative Regulation 340).

- The informal response will reflect this action being initiated.
- Timeframes are suspended until a disposition is received from the Inspector General's Office.

1.4.3 If the inmate's remedy to their grievance includes monetary restitution or damages, then the inmate will get the following forms from unit staff or unit caseworker:

1.4.3.1 Form DOC-3026, Inmate Property Claim, which shall be completed and submitted in addition to the grievance for all property loss or damage claims.

1.4.3.2 Form DOC-3095, Administrative Claim Form, which shall be completed and submitted in addition to the grievance for all personal injury, tort, or civil rights claims.

1.4.4 The inmate shall indicate whether or not the response is satisfactory by signing and dating the appropriate sections of the Informal Grievance form.

- An inmate's election not to sign and date this form shall constitute abandonment of the claim.
- A first level grievance may be pursued in the event the inmate disagreed.

1.4.5 Upon completion of the Informal Grievance process, the form and all relevant attachments shall be maintained per 740.02, 1.2 in the Informal Grievance file, with copies provided to the inmate.

1.4.6 The Grievance Coordinator shall enter the informal disposition of the claim in NCIS.

1.5 First Level Grievance Procedure (Form DOC- 3093)

1.5.1 An inmate may appeal the Informal Grievance decision to the Warden within five (5) calendar days of receiving it.

1.5.2 The inmate shall request and obtain a First Level Grievance form from unit staff.

- The inmate shall provide a signed, sworn declaration setting forth the specific facts that form the basis for a claim that the informal response is not correct.

- The inmate shall provide a list of persons, if any, who have relevant knowledge or information supporting the claim; and
- Provide any additional relevant documentation not already attached to the inmate's Informal Grievance Form.

1.5.3 The Grievance Coordinator shall review all of the First Level Grievance documentation to ensure it is timely and complies with procedural guidelines.

1.5.3.1 A First Level Grievance that does not comply with procedural guidelines shall be returned to the inmate unprocessed with instructions using Form DOC-3098, if applicable, for proper filing via the caseworker.

1.5.3.2 After entering all pertinent NCIS data, the Grievance Coordinator shall then promptly forward the entire file to the Warden for formal review. Any documents attached to the grievance will be copied and the originals returned to the inmate.

1.5.4 Within twenty (20) calendar days of receipt of the First Level Grievance, the Warden shall:

- Review the sworn statement of facts and all documentation supporting the grievance;
- Review the Informal Grievance response to determine if it substantially and appropriately addresses the inmate grievance;
- Communicate with any Department personnel, medical staff or contract service providers who may provide necessary information to resolve the grievance; and
- Provide the inmate with a written response specifying the decision and the reasons for the decision.

1.5.5 The Grievance Coordinator shall promptly return the Warden's response to the inmate. The inmate shall sign and date the appropriate section of the grievance form to indicate whether or not the inmate is satisfied with the decision.

1.5.6 The Grievance Coordinator/designee shall then enter the disposition of the grievance in NCIS.

1.6 Second Level Grievance Procedure (Form DOC-3094)

1.6.1 An inmate shall file an Administrative Appeal within five (5) calendar days of receiving the First Level Grievance decision.

1.6.2 The inmate shall request and obtain a Second Level Grievance form from unit staff or other designated areas.

- Provide any additional relevant documentation not already maintained in the inmate's First Level Grievance Form.

1.6.3 The Grievance Coordinator shall forward copies of all related documents and the appeal to the ADO for review and distribution to other Appointing Authorities and Division Heads.

1.6.4 The Administrator shall decide the Second Level Grievance, specifying the decision and the reasons for the decision, and return it to the Grievance Coordinator via the ADO within twenty (20) calendar days of the Central Administrator's receipt of the appealed grievance.

- The Grievance Coordinator shall enter the formal disposition of the claim and its filing date in NCIS.
- Transmittal of appeal may result in exceeding the timeframe.

1.6.5 The Family Service Division will not be involved in any Second Level review decision.

1.7 Emergency Grievance Procedure (Form DOC-1564).

1.7.1 Emergency grievances received by a caseworker or staff member shall be immediately delivered to the shift supervisor no later than is reasonable and necessary to prevent serious injury or a breach of security.

1.7.2 The shift supervisor may confer with the Administrative Officer of the Day or Warden and, if necessary, the ADO, to determine whether the grievance constitutes an emergency.

1.7.3 The highest-ranking staff member on duty, with the aid of an authorized Department official, shall immediately take any corrective measures necessary to prevent a substantial risk of injury or breach of security.

1.7.4 The Department official receiving the Emergency Grievance should respond to the filing inmate no later than is necessary to prevent serious injury or a breach of security.

1.7.5 In the event the inmate requests further review of a claim not deemed an emergency, the inmate may file a grievance appeal commencing at the informal level.

1.7.6 A copy of the emergency grievance will be forwarded to the Grievance Coordinator for entry into NCIS for processing and tracking purposes per AR 740.01, 1.2.

1.8 Remedies

1.8.1 The Inmate Grievance Procedure shall provide a range of meaningful and appropriate remedies for valid grievances, taking into consideration each institution's particular operational, security and safety concerns. Remedies shall be determined with the goal of appropriately resolving legitimate claims at the lowest level of review possible.

1.8.2 Remedies available for meritorious grievances may include, but are not limited to, the following:

1.8.2.1 Appropriate measures to resolve unsafe or unsanitary conditions of confinement.

1.8.2.2 Appropriate measures to address the violation of an inmate's constitutional, civil or statutory rights.

1.8.2.3 Appropriate measures to protect inmates from criminal or prohibited acts committed by departmental employees and staff or other inmates.

1.8.2.4 Appropriate measures to revise, clarify and implement written departmental and institutional rules or procedures necessary to prevent further violations; and

1.8.2.5 Appropriate measures to provide a disabled or physically impaired inmate with reasonable accommodation or reasonable modification.

1.8.2.6 Appropriate monetary reimbursement for property loss, damage, personal injury, tort, or civil rights claims arising out of an act or omission of the Department of Corrections or any of its agents, former officers, employees or contractors.

1.8.3 When deemed appropriate by the staff person rendering a decision on a grievance, a proposed monetary remedy may be submitted to the Department Hearing Officer who may award monetary damages at any level of the Inmate Grievance Procedure, provided such damages are sufficiently proven. Once approved:

1.8.3.1 Form DOC-3096, Administrative Claim Release Agreement will be completed and submitted by the inmate on all monetary claims, except for personal property damage or loss, along with all other appropriate documentation to the Departmental Hearing Officer.

1.8.3.2 Form DOC-3027, Property Claim Release Agreement will be completed and submitted by the inmate on all monetary claims for personal property damage or loss along with all other appropriate documentation to the Departmental Hearing Officer.

1.8.3.3 The appropriate form shall be signed prior to an inmate receiving any funds.

1.8.4 Recovery of compensation for loss of personal property, property damage, personal injury or any other claim arising out of a tort shall not exceed five hundred (\$500.00).

1.8.4.1 Compensation for the loss of, or damage to, personal property shall be based on either of the following methods of calculation:

- Monetary payment equal to the depreciated value of the property at the time of the loss or damage.
- Replacement with similar property equal to the depreciated value at the time of the loss or damage.

1.8.4.2 Compensation for all other personal injuries, tort, or civil rights claims will be determined on a case-by-case basis.

1.8.4.3 Consequential or punitive damages are not available to any inmate through the grievance process.

1.8.5 When a proposed monetary remedy in excess of \$500.00 appears appropriate, any staff person, including the Departmental Hearing Officer, may refer a grievance to the Litigation Division of the Attorney General's Office for decision and possible payment from the Tort Claim Fund.

1.8.5.1 The staff member who submits the grievance to the Attorney General's Office shall follow-up and track the grievance through payment and documentation.

1.8.5.2 When a grievance is submitted to the Attorney General's Office, time frames governing the grievance process are suspended.

1.8.5.3 The inmate will be informed by the Grievance Coordinator of this action.

1.9 If an inmate's grievance involves their caseworker, the Grievance Coordinator will respond to the Informal Grievance. However, the Warden and the Administrator or Division Head will respond to all First and Second Level Grievances.

REFERENCES

ACA Standards 3-4271, 3-4393, and 3-4434

ATTACHMENTS

DOC-1564	Emergency Grievance Form
DOC-3026	Inmate Personal Property Claim Form
DOC 3027	Property Claim Release Agreement

DOC-3090	Extension of Time Request
DOC-3091	Informal Grievance Form
DOC-3093	First Level Grievance Form
DOC-3094	Second Level Grievance Form
DOC-3095	Administrative Claim Form
DOC-3096	Administrative Claim Release Agreement
DOC-3097	Grievant's Statement Continuation Form
DOC-3098	Improper Grievance Memorandum

Jackie Crawford, Director

Date

CONFIDENTIAL XX
 Yes No

THIS PROCEDURE SUPERSEDES ALL PRIOR WRITTEN PROCEDURES ON THIS SPECIFIC SUBJECT.